

REMARKS

Applicant's representative would like to thank Examiner Douglas for the courtesies extended during a personal interview on June 8, 2005. During the interview, the Examiner clarified the rejection based on 35 U.S.C. § 103(a).

Claims 37-66 are now pending in the application. By this paper, Claims 37-66 have been added and Claims 1-36 have been cancelled without prejudice or disclaimer of the subject matter contained therein. The basis for these new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding new claims and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 7-9, 16, 17 and 20-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida (JP Doc. No. 58194627 A) in view of Bates et al. (U.S. Pat. No. 5,385,179). This rejection is respectfully traversed.

Applicant respectfully submits that this rejection is moot as Claims 1-36 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

DOUBLE PATENTING

Applicant respectfully submits that this rejection is moot as Claims 1-36 have been cancelled without prejudice. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

NEW CLAIMS

Claims 37-66 are added for consideration. Each of independent Claims 37 and 57 call for a fuel filler assembly having a seamless funnel member while independent Claim 47 calls for a fuel filler member having a seamless tubular body. The seamless funnel member/seamless tubular body include an inlet offset from an outlet and a transition portion disposed generally between the inlet and outlet. The transition portion is formed at an angle relative to the inlet and outlet and is positioned to receive fuel directly from a nozzle. See FIG. 3. Upon contacting the transition portion, the fuel is swirled prior to reaching the outlet to prevent vapors from escaping at the inlet. See Specification at pg. 7, Paragraph [0042] and FIG. 3.

The cited art of record fails to teach such a relationship. The Examiner relied primarily on JP 58-194627A to Yoshida in rejecting now-cancelled Claims 7-25. Yoshida teaches a filler tube having an opening area that is widened into a tapered shape. See Yoshida at FIG. 4. The tapered shape extends from the widened area to a generally tubular portion.

First, Applicant notes that Yoshida fails to teach a filler tube constructed from a *seamless* tube. Second, Applicant notes that Yoshida fails to teach an inlet being axially offset from an outlet such that a transition portion formed between the inlet and

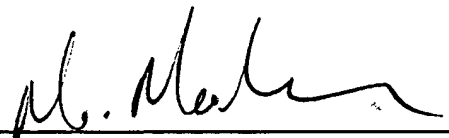
the outlet is formed at an angular relationship relative to the inlet and the outlet. Third, Yoshida fails to teach or suggest positioning a fuel nozzle relative to a filler tube such that fuel from the filler tube initially or directly contacts the transition portion. In light of the foregoing, Applicant respectfully submits that Claims 37-66 are in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 16, 2005

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